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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,083	02/14/2001	Tetsuro Motoyama	194538US-2	9825

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,083

Applicant(s)

MOTOYAMA ET AL.

Examiner

Shawki S Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.

The references in IDS, paper No. 2 dated 04-09-01 and No. 7 dated 04-20-04 have been considered.

The references in IDS, paper No. 6 dated 02-09-04 have not been considered because the applicant has canceled them.

Specification

2. The application contains numerous related applications (see pages 1-3), which contains missing information such as serial numbers. Applicant is requested to update the status of the related applications.

Double Patenting

3. Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 09/782,064. Although the conflicting claims are not identical, they are not patentably distinct from each other because both the instant application and the co-pending application discloses an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising the steps of: receiving from a first one of the plurality of target applications through an interface, by a monitoring device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through

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a first communication protocol using a first data format; and receiving from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Wu et al. (Wu)**, U.S. Patent Application Publication No. **US 2003/0212759**.

6. As to claim 1, Wu teaches an object-oriented method of collecting information regarding a plurality of target applications in an application unit, comprising the steps of:

receiving from a first one of the plurality of target applications through an interface, by a monitoring device ([0006], the handheld device initiates communication

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with advertising servers), a request to send first information regarding monitored usage ([0006], the advertising server sends information pertaining to the nature of the website, i.e. if someone is on the NASDAQ site it will retrieve info on stocks), of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for display); and

sending, by a protocol processor, the first information to the first predetermined destination through the first communication protocol, wherein the protocol processor is configured to send data through a plurality of different communication protocols ([0025, the content may sent by means of different protocols.)

7. As to claim 2, Wu teaches the method according to claim 1, wherein

the first data format includes one of text format, binary format, comma separated format and eXtensible Markup Language (XML) format ([0028], text format); and

the first communication protocol includes one of Simple Mail Transfer Protocol (SMTP), File Transfer Protocol (FTP) and local disk ([0025], File transfer protocol (FTP)).

8. As to claim 3, Wu teaches the method according to claim 1, further comprising:

receiving from a second one of the plurality of target applications through the interface, by the monitoring device ([0006], the handheld device initiates communication with advertising servers), a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format,

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wherein the first communication protocol is different from the second communication protocol ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for playing over an audio output device of the handheld computer); and

sending, by the protocol processor, the second information to the second predetermined destination through the second communication protocol ([0025, the content may sent by means of different protocols.)

9. As to claim 4, Wu teaches the method according to claim 3, wherein the first data format is different from the second data format ([0028], if the banner information is in text format, it can be converted to audio using protocols such voice-XML.)

10. As to claim 5, Wu teaches the method according to claim 3, wherein the first communication protocol is different from the second communication protocol [0025].

11. As to claim 6, Wu teaches the method according to claim 1, wherein the step of sending, by the protocol processor, the first information further comprises:

creating a first software class having a declared virtual function ([0028]-[0029], the text is first converted from HTML to Speech Markup Language);

creating a second software class derived from the first software class having a first definition of the declared virtual function ([0028]-[0029], the text to speech system 64 uses an XML parser to extract content from the text document. The text document may include structure, tags, and attributes which are analyzed to determine the speech output); and

executing the first definition.

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12. As to claim 7, Wu teaches the method according to claim 6, wherein the step of executing the first definition includes one of

saving the first information to a local disk [0039],

sending the first information to the first predetermined destination through

SMTP using a text mail body format,

sending the first information to the first predetermined destination through SMTP using Multipurpose Internet Mail Extension (MIME),

sending the first information to the first predetermined destination through FTP using a text file format [0025], and

sending the first information to the first predetermined destination through FTP using a binary file format.

13. As to claim 8, Wu teaches an object-oriented system for collecting information regarding a plurality of target applications in an application unit, the system comprising:

a monitoring device ([0006], the handheld device initiates communication with advertising servers), configured to receive from a first one of the plurality of target applications through an interface, a request to send first information regarding monitored usage ([0006], the advertising server sends information pertaining to the nature of the website), of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for display); and

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a protocol processor configured to send data through a plurality of different communication protocols, wherein the processor is configured to send the first information to the first predetermined destination through the first communication protocol ([0025, the content may sent by means of different protocols.)

14. As to claim 9, Wu teaches the system according to claim 8, wherein the first data format includes one of text format, binary format, comma separated format and XML format ([0028], text format); and

the first communication protocol includes one of SMTP, FTP and local disk ([0025], File transfer protocol (FTP)).

15. As to claim 10, Wu teaches the system according to claim 8, wherein

the monitoring device ([0006], the handheld device initiates communication with advertising servers), is configured to receive from a second one of the plurality of target applications through the interface, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol, ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for playing over an audio output device of the handheld computer); and

the protocol processor is configured to send the second information to the second predetermined destination through the second communication protocol ([0025, the content may sent by means of different protocols.)

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16. As to claim 11, Wu teaches the system according to claim 10, wherein the first data format is different from the second data format ([0028], if the banner information is in text format, it can be converted to audio using protocols such voice-XML.)

17. As to claim 12, Wu teaches the system according to claim 10, wherein the first communication protocol is different from the second communication protocol [0025].

18. As to claim 13, Wu teaches the system according to claim 8, wherein the protocol processor is configured to create a first software class having a declared virtual function ([0028]-[0029], the text is first converted from HTML to Speech Markup Language), to create a second software class derived from the first software class having a first definition of the declared virtual function ([0028]-[0029], the text to speech system 64 uses an XML parser to extract content from the text document. The text document may include structure, tags, and attributes which are analyzed to determine the speech output); and, and to execute the first definition.

19. As to claim 14, Wu teaches the system according to claim 13, wherein the first definition includes instructions to perform one of the steps of

saving the first information to a local disk [0039],

sending the first information to the first predetermined destination through SMTP using a text mail body format,

sending the first information to the first predetermined destination through SMTP using MIME,

sending the first information to the first predetermined destination through FTP using a text file format [0025], and

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sending the first information to the first predetermined destination through FTP using a binary file format.

20. As to claim 15, Wu teaches a program product for collecting information regarding a plurality of target applications in an application unit, the program product comprising a computer readable medium embodying program instructions for causing an object-oriented system to perform the steps of:

receiving from a first one of the plurality of target applications through an interface, by a monitoring device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for display); and

sending, by a protocol processor, the first information to the first predetermined destination through the first communication protocol, wherein the protocol processor is configured to send data through a plurality of different communication protocols ([0025, the content may sent by means of different protocols.)

21. As to claim 16, Wu teaches the program product according to claim 15, wherein the first data format includes one of text format, binary format, comma separated format and XML format ([0028], text format); and

the first communication protocol includes one of SMTP, FTP and local disk ([0025], File transfer protocol (FTP)).

22. As to claim 17, Wu teaches the program product according to claim 15,

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wherein the program instructions cause the system to further perform the steps of:

receiving from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol ([0006], receiving a request from a handheld computer and associating an advertisement with the request for content and then the requested content is sent to the handheld computer for playing over an audio output device of the handheld computer); and

sending, by the protocol processor, the second information to the second predetermined destination through the second communication protocol ([0025, the content may sent by means of different protocols.)

23. As to claim 18, Wu teaches the program product according to claim 17, wherein the first data format is different from the second data format ([0028], if the banner information is in text format, it can be converted to audio using protocols such voice-XML.)

24. As to claim 19, Wu teaches the program product according to claim 17, wherein the first communication protocol is different from the second communication protocol [0025].

25. As to claim 20, Wu teaches the program product according to claim 15, wherein the step of sending, by the protocol processor, the first information further comprises:

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creating a first software class having a declared virtual function ([0028]-[0029], the text is first converted from HTML to Speech Markup Language);

creating a second software class derived from the first software class having a first definition of the declared virtual function ([0028]-[0029], the text to speech system 64 uses an XML parser to extract content from the text document. The text document may include structure, tags, and attributes which are analyzed to determine the speech output); and

executing the first definition.

26. As to claim 21, Wu teaches the program product according to claim 20, wherein the step of executing the first definition includes one of

saving the first information to a local disk [0039],

sending the first information to the first predetermined destination through SMTP using a text mail body format,

sending the first information to the first predetermined destination through SMTP using MIME,

sending the first information to the first predetermined destination through FTP using a text file format [0025], and

sending the first information to the first predetermined destination through FTP using a binary file format.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 703-605-4362. The examiner can normally be reached on M-F 8:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-306-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
July 6, 2004


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